

December 6, 2000

N3615 (2350)

Air and Radiation Docket and Information Center (6102)
Attention Docket No. A-2000-36
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Dear Sir/Madam:

These comments are submitted on behalf of the National Park Service (NPS) and U.S. Fish and Wildlife Service (FWS) in response to the U.S. Environmental Protection Agency's (EPA) August 9, 2000, notice soliciting public comment on rulemaking requests filed by the U.S. Department of the Interior (DOI) and several states. 65 Fed. Reg. 48699-48701. We support EPA's decision to solicit broader public comment on the DOI's July 19, 2000, request for a new regulation intended to protect air quality related values (AQRVs) in national parks and wilderness areas. The notice will raise public awareness of the well-documented environmental effects of air pollution – effects that are often eclipsed by predominant concerns about the public health effects of air pollution. It is critical that we attend to the health of ecosystems and natural resources that directly sustain our growing population and indirectly promote our productive capacity by providing opportunities for recreation, contemplation, and inspiration. We look forward to working with EPA to determine the best approach for restoring ecosystem health, particularly in areas of special national concern.

As requested in EPA's notice, the enclosed technical support document synthesizes available scientific information regarding air pollution effects on natural resources in several units of the National Park System and National Wildlife Refuge System. This material supplements information we provided to EPA on July 19, 2000, and the more generally available information on the adverse effects of air pollution referenced in EPA's August 9th notice. There is an overwhelming body of science documenting that air pollution is harming natural resources and degrading visibility, even in areas where health and welfare-based air quality standards are not being violated. Current and pending programs will help mitigate some of the documented harm, but sensitive vegetation, surface waters and soils will likely continue to be exposed to harmful pollutant loadings.

Unless additional emission reductions are legislatively mandated, EPA will need to develop a suitable and effective approach for addressing these effects consistent with EPA's authority under the Clean Air Act. EPA's August 9th notice requested comment on alternative approaches and mechanisms. Several states in the Northeast have petitioned EPA to adopt secondary national ambient air quality standards (NAAQS) to protect public welfare. We support the states' request that EPA explicitly incorporate welfare-based effects into the ongoing review of the ozone, particulate matter, sulfur dioxide, and nitrogen dioxide NAAQS. The secondary NAAQS should be set at levels which protect the nation's most vulnerable resources: high altitude forests, sensitive streams and lakes, coastal estuaries, and visual air quality in scenic areas. On the other hand, we recognize that information about sensitive resources and pollution effects is lacking in many areas of the country. We also know that different ecosystems and natural resources have different degrees of vulnerability to the same levels of pollutant loadings. We believe there is sufficient data currently available to establish critical environmental loads for certain areas for sulfur and nitrogen deposition, as well as sulfate, nitrate and ozone concentrations; the most protective approach would be to base those standards on critical loads for the most sensitive resources, with an opportunity to modify those standards during future reviews as new information becomes available.

While we encourage EPA to move forward with secondary NAAQS based on existing data, we continue to believe that EPA should adopt an AQRV restoration and protection rule immediately for several reasons. First, an AQRV rule would provide more expeditious relief for special, nationally-significant resources currently being harmed by air pollution. It would allow EPA to target calls for remedial action based on documented adverse effects in a particular area. The analytical approach and administrative process needed to implement a place-based solution in the short-term would likely be more focused and efficient. We anticipate that the geographic scope and magnitude of pollution reductions required to address AQRV problems in specific park and wilderness areas would be consistent with prospective programs to meet a secondary NAAQS in the future; however, there may be creative ways to minimize potential conflicts between the two approaches. Finally, an AQRV rule would create a mechanism for addressing residual impacts in particularly sensitive ecosystems that might not be fully protected by secondary standards.

From a procedural standpoint, we suggest that an AQRV restoration and protection rule include the following steps. First, federal land managing agencies would have the authority to file a notice with EPA alleging that adverse impacts were occurring to resources under their jurisdiction. The federal land manager (FLM) would be responsible for identifying the indicators of ecological health or environmental endpoints that triggered the notice. The FLMs would also document the nature and extent of the adverse impacts, and explain what level of pollutant loading (e.g., target load of sulfur or nitrogen deposition) or resource condition (e.g., threshold for effects expressed as a change from a baseline or natural condition) would be acceptable. FLMs would also be encouraged, but not required, to identify sources or source regions that are contributing to the unacceptable pollutant loadings. Based on authority under sections 161 and 166 of

the Clean Air Act, EPA would publish a notice proposing to accept or reject the FLM's certification of adverse impact, including the target loads or resource-based thresholds identified. If EPA agrees that adverse impacts are occurring, then EPA would identify the areas contributing to the unacceptable pollutant levels, and timely SIP revisions would be required, per section 110(k)(5) of the Clean Air Act. Although EPA would have fairly broad discretion to establish appropriate timeframes for achieving required emissions reductions we would recommend that "technological feasibility" be the primary factor to be considered.

We have recommended that EPA be the recipient and arbiter of the adverse impact certifications because, with respect to national parks and wilderness areas, the areas of concern are federal lands. In addition, EPA has authority under section 166 of the Clean Air Act to establish place-based regulations to restore and protect AQRVs and carry out the purposes of the PSD program. The proposed rule could also allow EPA to begin this process on its own initiative. We would be happy to work with EPA on other structural approaches that achieve the geographic focus needed for AQRV protection.

The AQRV restoration and protection rule, once adopted, will provide a foundation for mitigating environmental resource damage in national parks and wilderness areas. In the interim, we remain concerned about deteriorating air quality conditions and serious adverse impacts occurring at Shenandoah and Great Smoky Mountains National Parks. EPA could provide some relief for these areas in the near term by enforcing existing regulations and establishing performance-based standards for states and regional planning organizations. More specifically, we ask the following of EPA:

- Enforce current requirements (Section 110(a)(2)(H) of the Clean Air Act and 40 CFR 51.166(a)) for a periodic review of the adequacy of state plans under the prevention of significant deterioration (PSD) of air quality program. States have not generally taken on this task so there is a profound lack of information about the cumulative effect of sources permitted or constructed since the PSD requirements became effective over 23 years ago. States should include a comprehensive, cumulative increment consumption analysis for sources that affect Class I areas within their boundaries. If Class I or II increment exceedances are discovered, or adverse impacts on AQRVs are documented, State Implementation Plans (SIPs) would need to be revised.
- For those States that are contributing to deteriorating air quality at Shenandoah and Great Smoky Mountains NPs, immediately initiate a comprehensive review of PSD program effectiveness. This would include examining whether sources have been appropriately exempted from major source review, as well as conducting a cumulative increment analysis (Class I and Class II) and associated back-end calculations of cumulative effects on visibility, deposition, and if feasible, ozone in Class I areas downwind. EPA could undertake this review independently, or require states or regional planning organizations to conduct such a review.
- To provide a foundation for these cumulative analyses and avoid losing gains made through other pollution control programs, EPA must also clarify that reductions otherwise required (e.g., sulfur dioxide and nitrogen oxides reductions achieved under

Title I or IV) do not expand the available increment. Any other conclusion would frustrate the congressional intent in establishing the sulfur dioxide cap at the reduced emission rates or undermine attainment goals.

- Enforce current new source review requirements, including, timely and sufficient FLM notification of proposed permits; complete analysis by permit applicants of potential impacts on Class I areas, including cumulative analyses of effects on increments and AQRVs; and adequate opportunity for informed public participation in the permitting process, including public notice of FLM concerns and how the permitting authority addressed those concerns.
- Immediately promulgate final revisions to the new source review rules, based on the proposed regulation issued by EPA on July 23, 1996.
- Incorporate performance measures related to the PSD program, including, protection of increments and AQRVs, into EPA's Strategic Plan developed in response to the Government Performance and Results Act. Funding for States and regional planning organizations should be linked to these performance measures to ensure timely and effective action.

We also are very supportive of EPA's pending regulations for heavy-duty vehicles (including diesel emission standards) and major stationary sources subject to the best available retrofit technology requirements under the visibility protection program. These new programs will help us make progress toward existing air quality standards and objectives while we evaluate alternative approaches and determine the best course of action for restoring ecosystem health.

In conclusion, we remain very concerned about the current and future status of air quality related values at NPS and FWS administered parks and wilderness areas and the cumulative impacts of existing and new pollution sources on these resources. We renew our request that EPA promulgate an AQRV restoration and protection rule, irrespective of whether EPA moves forward with secondary NAAQS. We trust that EPA will have ample information to proceed with the rulemaking process, based on the information already available to EPA, the enclosed supplemental information, and other information that will be submitted in response to EPA's August 9th, 2000, notice.

Sincerely,

Christine L. Shaver
Chief, Air Resources Division
National Park Service

Sandra V. Silva
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U.S. Fish and Wildlife Service

Enclosure

bcc:

ARD-DEN: Reading and Project File

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